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UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 28 June 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to request that the enclosed document entitled "Who are the 'Brothers to the Rescue' and what are their goals?" (see annex) be circulated as a document of the fiftieth session of the General Assembly, under agenda item 140, and of the Security Council.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

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ANNEX

[Original: English and Spanish]

Who are the "Brothers to the Rescue" and what are their goals?

Since its foundation, this organization has been involved in actions against Cuba's territorial integrity and sovereignty, initially disguising its political objectives under alleged "rafter" rescue actions, which they also used to profit from.

As recognized now by the United States authorities, Brothers to the Rescue has a vast record of violations both of international as well as Cuban and United States laws. For instance, in United States Government note 577 of 18 October, there is clear evidence of the group's purpose of transmitting television and short-wave radio signals to Cuba from vessels. Other notes attest to adventuresome and neglectful actions that jeopardize third persons' lives and properties. In addition, the repeated violations of Cuban airspace were clearly acknowledged.

It is well known, too, in Cuban community quarters in Miami that the organization - besides raising constant funds for alleged humanitarian missions - used to charge Cubans living in Miami large sums of money for locating at sea and informing the United States coastguards about their relatives illegally leaving Cuba. These operations would include a prior telephone communication between their relatives in Miami and Cuba in order to agree on the date and point of the departure.

Likewise, Brothers to the Rescue would convey information from the United States to the terrorist organizations acting in Cuba on the location of Cuban and United States coastguards so that they could avoid them, as well as the position of Cuban merchant ships they were planning to attack. There is evidence that, more than once, this collaboration went as far as the conception of joint terrorist plans.

On a radio programme on 15 January 1996, after flying at low altitude over the city of Havana, dropping propaganda against the Government and the constitutional order, the head of that organization, José Basulto, boasted that the Government of Cuba had not acted militarily against such violations and he openly called on the Cuban people to act directly against it by means of - among other activities - civil disobedience.

Basulto has a long record of terrorist actions against Cuba, dating back to 1961, when he entered Cuba undercover, on the eve of the Bay of Pigs invasion, to work as a radio technician, having been trained by the CIA. In August 1962, he was involved in a terrorist attempt against a hotel in Havana, organized by the Directorio Estudiantil Revolucionario group, with the approval of the CIA. Basulto has publicly recognized his links with the CIA and with the notorious terrorist Félix Rodríguez, whom he trained as a radio technician and with whom he is close friends. Rodríguez played a key role in arms smuggling in Cental America and his links with Nicaraguan "Contra" leaders Rodolfo Calero and

Enrique Bermúdez began at José Basulto's home, according to Rodríguez' own testimony before the Kerry Commission.

More recently, former member of Brothers to the Rescue Juan Pablo Roque declared before the international media that he had received orders from Basulto concerning the underground introduction into Cuba of anti-personnel weapons to carry out criminal attacks, which Roque in due time reported to FBI officer Oscar Montoto. Roque personally informed Basulto of the Cuban authorities' decision to put an end to the violations of Cuban airspace. He had received this information from Montoto, which was confirmed by his personal experience as an ex-member of the Cuban Air Force. In spite of this, Basulto planned and carried out the 24 February 1996 actions for the purpose of provoking greater tension in United States-Cuba relations and promoting the image of his organization through the creation of "new martyrs", while taking the precaution of staying outside Cuban airspace.

This is why the steps towards the normalization of the immigration flow between Cuba and the United States under the 1994 immigration agreements did not lead - as logic would indicate - to a reduction of the activities of this group, the flow of "rafters" and the alleged raison d'être of Brothers to the Rescue having virtually disappeared. On the contrary, the illegal actions became increasingly frequent and provocative. Not even the 24 February events and the late and insufficient measures taken by the United States authorities to discourage those actions have put an end to the provocative efforts of this group.

In recent declarations published in the Washington Post on 17 May 1996, Basulto said that the United States authorities had been "inconsistent" in the application of regulations against violations of Cuban airspace, bitterly complaining that, in the past, they had been fostered whereas now his pilot's licence was being revoked. Under-Secretary of State Peter Tarnoff, during a hasty press conference held on 20 June 1996 at the White House on the International Civil Aviation Organization investigation, even hinted that the measure might be reconsidered.

Furthermore, the links of the organization with United States Air Force officers are well known. According to the declarations of Republican Congresswoman of Cuban origin Mrs. Ileana Ross Lethinen, members of the group carried out a strong campaign, which she personally took part in, asking the United States Air Force to make available to them a number of Cessna 337 aircraft that, as the armed conflict in El Salvador had finished, were available in certain United States aerodromes, according to Mrs. Ross Lethinen. A few months after the Congresswoman unleashed that campaign in pursuit of military aircraft for Brothers to the Rescue, Miami Herald editor Mr. David Lorens published a chronicle with some photographs - he flew in one of those planes - in which the N 24325 aircraft can be seen with the acronym USAF on its wings. The Brothers to the Rescue organization still has the E 58 BB aircraft with the United States Air Force acronym on its fuselage.

These close and sordid links have even been confirmed in the United States Senate minutes. During the 8 May 1996 Senate hearing, when the Senate Foreign Affairs Commission received Mr. Dennis Hays, former chief of the State

Department Bureau on Cuban Affairs, Senator Christopher Dodd, Minority floor leader in the Senate and President of the Democratic Party, questioned Mr. Hays on his alleged flights to Cuba on Brothers to the Rescue planes. Mr. Hays expressly acknowledged that it was true and said:

> "Yes, I did in 1993 and 1994. My predecessor did, too, under similar circumstances."

In his declarations, Mr. Dennis Hays speaks about many more matters, including hugs in Opa-Locka between Brothers to the Rescue pilots and United States colonels during the delivery of equipment and training activities. All this is recorded in the United States Senate minutes and there is abundant evidence, including long film footage.

The defiant attitude of the so-called Brothers to the Rescue and the strong fund-raising campaigns recently carried out in New Jersey and Florida confirm that they have not stopped continuing to profit from the so-called "anti-Castro industry" and to try to provoke a United States intervention, from which they dream of emerging as the owners of Cuba.

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I have the honour to write to request that the enclosed document, containing information on the resolution adopted by the Council of the International Civil Aviation Organization (ICAO) on 27 June 1996 and on the rejection by the ICAO Council of the United States proposal to condemn Cuba (see annex), be circulated as an official document of the fiftieth session of the General Assembly, under agenda item 140, and of the Security Council.

(Signed) Bruno RODRIGUEZ PARRILLA
Ambassador
Permanent Representative

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ANNEX

[Original: English and Spanish]

Statement on the rejection by the Council of the International Civil Aviation Organization of the United States proposal to condemn Cuba, issued by Cuba in New York on 27 June 1996

On the afternoon of 27 June, the Council of the International Civil Aviation Organization (ICAO) adopted a resolution that, far from condemning Cuba and aligning with the United States' manipulations, is oriented to the future and reaffirms the United States' obligation to prevent any incidents derived from the misuse and abuse of civil aviation. The text adopted reaffirms the principles of international civil aviation, the Chicago Convention and the purposes and principles of ICAO. According to the close to unanimous opinion of the Council members, it is a balanced and objective text.

The Cuban delegation expressed its support for the draft resolution submitted by the President of the ICAO Council because, as always, the Republic of Cuba shares and reaffirms the principles of international law, the principles, rules, standards and recommended practices laid down in the Convention on International Civil Aviation, including the rules relating to the interception of civil aircraft and the recognized principle regarding the non-use of weapons against civil aircraft in flight.

Cuba reaffirms the principle that the contracting States are obliged to take appropriate measures to prohibit the deliberate use of any civil aircraft for any purpose inconsistent with the aims of the above-mentioned Convention, condemns the misuse and abuse of civil aviation and was the first country to regret the loss of human lives as a result of illegal flights and deliberate and repeated violations of Cuba's sovereignty and territorial integrity by the terrorist organization called Brothers to the Rescue and as a consequence of the United States' failure to comply with the obligations undertaken in its capacity as registering State and territory of origin of those flights.

Only in the opinion of the United States was the adopted text described as unbalanced. According to the declarations of the United States Secretary of Transportation, the adopted resolution "substantively departs from the draft resolution submitted by the United States". The United States delegation was rendered entirely isolated when it tried to pressure the members of the ICAO Council and impose, by way of amendments, the inclusion of indirect references condemning Cuba.

Cuba supports the letter and spirit of paragraph 9 of the resolution adopted by ICAO, which complements article 54 (j) of the Chicago Convention on requesting all contracting States to report at any time to the Council any infraction of the above-mentioned rules contained in the Convention on International Civil Aviation. On that basis, during the speech given today before the Council, the Government of Cuba followed the procedure set out in the resolution as adopted by reiterating the denunciation presented officially and in a timely manner to the President of the ICAO Council and to the General

Assembly and Security Council of the United Nations regarding future violations of Cuban territorial airspace and waters, publicly announced in Miami for 13 July 1996, which the United States authorities have acknowledged to be fully aware of since 6 June last.

Cuba again warned about the late, incomplete and insufficient measures taken by the United States to avert and prevent violations of the Republic of Cuba's sovereignty and territorial integrity, including illegal actions by the terrorist organization Brothers to the Rescue. This organization even maintains the E 58 BB aircraft, which still bears the acronym of the United States Air Force.

The ICAO Council, in an honourable act, only took note of the report of the investigating team.

The United States' attempt to manipulate the ICAO Council and to dictate its conduct on the basis of political pressure and tampering with evidence has failed.

Instead of an unfair condemnation aimed at justifying the United States' aggressive policy against Cuba, the strengthening of the economic, commercial and financial blockade, and the passage of the so-called Helms-Burton Act, which has received unanimous international rejection, justice and law have prevailed and ICAO has honoured its purpose of preventing the repetition of such incidents in the future.

The Security Council will have before it a resolution that reaffirms and safeguards the principles of international law and the aims and purposes of international civil aviation.